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7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA  
9

10 SANDRINE BENSIMON,  
11 Plaintiff,  
12 v.  
13 DELTA AIR LINES, INC., and DOES  
I through X, inclusive,  
14 Defendants.  
15

Case No. 2:11-cv-00511-  
KJD-LRL

16 JOINT APPLICATION AND ORDER TO EXTEND DISCOVERY  
17 (First Request)

18 COME NOW, Plaintiff, SANDRINE BENSIMON, and Defendant, DELTA  
19 AIR LINES, INC., by and through their respective counsel of  
20 record, pursuant to LR 6-1 and LR 26-4, and respectfully request  
21 an additional six-month extension of the discovery deadlines in  
22 this case. This is the first request for extension by either  
23 party. The current discovery cut-off is October 1, 2011, and  
24 therefore, this Application is timely.

25 (a) Statement of Discovery Completed

26 (1) The LR 26-1 Meet and Confer Conference was held on  
27 May 4, 2011, both parties exchanged lists of witnesses and  
28 exhibits, and Defendant produced its exhibits at that time.

1 Pursuant to LR 26-1(a)(2), Plaintiff produced her exhibits on  
2 June 8, 2011. On June 16, 2011, Plaintiff served her First  
3 Supplemental LR 26-1 Disclosure.

4 (2) On May 4, 2011, Defendant served Interrogatories  
5 and Requests for Production of Documents on Plaintiff. On June  
6 8, 2011, Plaintiff served Answers to said Interrogatories.  
7 Plaintiff's Responses to said Requests for Production of  
8 Documents are pending.

9 (3) On June 8, 2011, Plaintiff served Interrogatories  
10 and Requests for Production of Documents on Defendant. On July  
11 11, 2011, Defendant served Answers to said Interrogatories and  
12 Responses to said Requests for Production of Documents.

13 (4) At Defendant's request, Plaintiff is presently  
14 scheduled to be seen by Dr. Patrick Brandner for purposes of an  
15 IME examination on August 24, 2011.

16 (b) Discovery That Remains to be Completed

17 (1) IME examination of Plaintiff presently scheduled  
18 for August 24, 2011.

19 (2) Deposition of Plaintiff and perhaps ten  
20 representatives of Defendant.

21 (3) Expert depositions.

22 (c) Why Discovery Remaining Not Yet Completed

23 (1) This case was originally filed in State Court, and  
24 was removed to this Honorable Court on April 7, 2011, with  
25 federal jurisdiction predicated on International Treaty  
26 (Montreal Convention governing international air line  
27 operations). Defendant's Answer was filed on April 13, 2011.

28 As noted above, the LR 26-1 Meet and Confer Conference was held

1 on May 4, 2011, and witnesses lists and documents were produced  
 2 at that time, and in supplemental productions thereafter. In  
 3 addition, on that very day, Defendant served Interrogatories and  
 4 Requests for Production of Documents on Plaintiff, who timely  
 5 responded to said discovery requests; and shortly thereafter,  
 6 Plaintiff served Interrogatories and Requests for Production of  
 7 Documents on Defendant on June 8, 2011, which Interrogatories  
 8 and Requests for Production of Documents were also timely  
 9 responded to.

10 Immediately upon receipt of Plaintiff's signed medical  
 11 consent in early June, Defendant commenced obtaining all of  
 12 Plaintiff's medical records from her various medical providers.  
 13 On June 29, 2011, even though all of Plaintiff's medical records  
 14 had not yet been received, defense counsel provided Plaintiff's  
 15 attorney several dates in August that Dr. Brandner would be  
 16 available for purposes of the IME examination, with the  
 17 understanding that the remainder of Plaintiff's medical records  
 18 would probably be obtained by that time.

19 On or about July 18, 2011, Plaintiff's attorney confirmed  
 20 that his client would be available on August 24, 2011 for her  
 21 IME examination, and this was confirmed with Dr. Brandner by  
 22 correspondence dated July 18, 2011. However, due to Plaintiff's  
 23 attorney preparing for and being involved in a short jury trial  
 24 in July, confirming Plaintiff's IME examination was delayed, and  
 25 has only recently (July 18, 2011) been confirmed for August 24,  
 26 2011, as aforesaid, outside of the current date by which expert  
 27 witnesses must be designated -- presently August 12, 2011.

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1 In fact, it is actually only the date by which expert  
 2 witnesses must be designated that is critical to this  
 3 Application to Extend Discovery Dates, since discovery itself  
 4 does not run until October 11, 2011. However, in order to  
 5 facilitate all necessary discovery yet to be completed, it is  
 6 respectfully requested that all of the discovery deadlines be  
 7 consistently extended for a period of six months. In this  
 8 regard, it should be noted that all of the Delta Air Lines  
 9 personnel whom Plaintiff may wish to depose reside out of state,  
 10 and one or more expert witnesses (not yet identified) may well  
 11 be located out of state as well.

12 (d) Proposed Schedule to Complete Discovery

- |    |                                      |                   |
|----|--------------------------------------|-------------------|
| 13 | (1) New discovery cut-off date:      | April 11, 2012    |
| 14 | (2) New date by which to amend       |                   |
| 15 | pleadings and add parties            | January 13, 2012  |
| 16 | (3) New expert disclosure date:      |                   |
| 17 | (i) Initial expert disclosures:      | February 12, 2012 |
| 18 | (ii) Rebuttal expert disclosures:    | March 12, 2012    |
| 19 | (4) New dispositive motion deadline: | May 10, 2012      |
| 20 | (5) New pre-trial order date:        | June 12, 2012     |
| 21 | (6) New interim status report date:  | February 12, 2011 |

22  
 23 For the foregoing reasons, the undersigned counsel for both  
 24 Plaintiff and Defendant respectfully request that this  
 25 Application to Extend Discovery Deadlines be granted consistent

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27 . . .

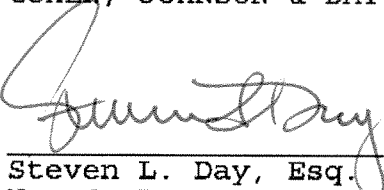
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1 with the proposed schedule for completing discovery set out  
2 above.

3 COHEN, JOHNSON & DAY


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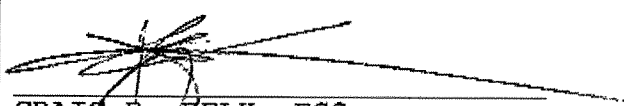
10  
11  
12 ORDER

13  
14 IT IS SO ORDERED this 25th day of July, 2011.

15   
16 U.S. MAGISTRATE JUDGE

17 Submitted by:

18 THORNDAL, ARMSTRONG, DELK,  
19 BALKENBUSH & EISINGER

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